

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DONALD DALTON, et al. : CIVIL ACTION
: :
v. : :
: :
McCOURT ELECTRIC, LLC, et al. : NO. 12-3568

O R D E R

AND NOW, this 17th day of December, 2013, upon consideration of defendant Intermatic, Inc.'s Motion to Preclude the Testimony and Report of Michael Wald, E.E.C., of Investigating Engineering, Inc., or Any Other Expert Proffered on Behalf of Plaintiffs (the "Motion") (Doc. No. 47), plaintiffs' opposition thereto (Doc. No. 48), Intermatic's reply brief (Doc. No. 49), and plaintiffs' supplemental response (Doc. Nos. 51, 53), and after oral argument on December 9, 2013, it is hereby

ORDERED

that the Motion is **DENIED IN PART** and **GRANTED IN PART** for the reasons set forth in this court's Memorandum of Decision filed this same day. In accordance with the court's Memorandum of Decision, it is **FURTHER ORDERED** that, pursuant to Fed. R. Civ. P. 16(f), as a sanction for plaintiffs' willful disregard of this court's scheduling order, plaintiff shall pay: (1) all reasonable attorney fees and costs incurred by Intermatic, Inc. in presenting its Motion to Preclude, and (2) all of Intermatic's costs involved in deposing plaintiff's expert Michael Wald, including, but not limited to, attorney fees and costs incurred by Intermatic in attending the deposition.

BY THE COURT:

/s/ Thomas J. Rueter
THOMAS J. RUETER
United States Magistrate Judge